



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]  
MI [REDACTED]

Date Mailed: April 25, 2019  
MOAHR Docket No.: 19-002226  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

### **HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 24, 2019, from Detroit, Michigan. The Petitioner was represented by [REDACTED], Authorized Hearings Representative, appointed by Petitioner's Guardian, Authorized Representative, and Authorized Hearings Representative Sherome Ivory. The Department of Health and Human Services (Department) was represented by Rene Colvin, Assistance Payments Supervisor, and Nikai Williams, Assistance Payments Worker.

### **ISSUE**

Did the Department properly deny Petitioner's application for Medical Assistance (MA) Program benefits based upon excess assets?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On January 31, 2019, the Department received an Application for MA benefits as well as a Retroactive Application for MA benefits for Petitioner.
2. On February 25, 2019, the Department issued a Health Care Coverage Determination Notice (HCCDN) to Petitioner and her Authorized Representative (AR) informing them that she was not eligible for MA benefits due to excess assets.

3. On March 8, 2019, the Department received a hearing request from Petitioner's Guardian and AR disputing the Department's denial of MA benefits based upon excess assets.

### CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner was denied MA coverage from October 2018 through January 2019 due to excess assets. Asset eligibility exists when the group's countable assets are less than, or equal to, the applicable asset limit one day during the month being tested. BEM 400 (October 2018, January 2019), pp. 3-4. In SSI-related MA cases, the asset limit for a group size of one is \$2,000.00. BEM, pp. 1, 8. SSI-related MA is available to individuals who are aged, blind, or disabled if they meet all eligibility requirements. BEM 105 (April 2017), p. 4. Assets include cash, personal property, and real property. BEM 400, pp. 1-2. Cash assets include money/currency, uncashed checks/drafts/warrants, checking and draft accounts, savings and share accounts, money market accounts, long-term-care patient trust funds and money held by a facility for the patient, money held by others for the benefit of or belonging to the client, and time deposits. BEM 400, pp. 15-16. Petitioner had the following assets

Type/Month	October 2018	November 2018	December 2018	January 2019
Patient Trust	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
Checking	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
Savings	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
TOTALS	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]

These numbers are slightly different than those listed by the Department because the Department used the month ending balance versus the lowest balance on any day in the month being tested. Despite the Department's error to consider the lowest asset amount during the month, the Department's decision to deny MA benefits was still in accordance with policy because Petitioner's assets are still greater than the asset limit of \$2,000.00 in each of the months tested.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner's application and retroactive application for MA benefits based upon excess assets.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.



AMTM/jaf

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**Amanda M. T. Marler**  
Administrative Law Judge  
for Robert Gordon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL**: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office Of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Christine Steen  
MDHHS-Wayne-82-Hearings

**Authorized Hearing Rep.**

Nicole Blocker  
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Detroit MI 48235

**Petitioner**

[REDACTED]  
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